

1 **SETH P. CHAZIN (CSBN 133777)**
2 **Attorney at Law**
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4 **Albany, CA 94706**
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6 **Facsimile: (510) 525-0087**
7 **Attorney for Ali Khan**

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10 **IN THE UNITED STATES DISTRICT COURT**
11 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**
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16 **UNITED STATES OF AMERICA,**

17 **Plaintiff,**

18 **vs.**

19 **MOHAMMED YOUSEF CHAUDHRY**
20 **AND**
21 **ALI H. KAHN**

22 **Defendants.**

)
) **CR03-40210 SBA**
)
)

) **MOTION FOR CONTINUANCE**
)

) **Date: September 11, 2007**
) **Time: 3:00 P.M.**

) **The Honorable Judge Sandra Brown**
) **Armstrong**
)

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24 **TO: THE UNITED STATES ATTORNEY AND THE CLERK OF THE ABOVE-**
25 **ENTITLED COURT:**

26
27 PLEASE TAKE NOTICE that on September 11, 2006, at 3:00 p.m., or as soon thereafter as the
28 matter may be heard, the defendant, Ali Khan, will move this Court to continue the jury trial now set
to begin on September 24, 2007.

This motion is based on this notice of motion, and counsel's declaration attached hereto as well
as the pleadings, records and files in this case, and such other evidence as may be presented at the

KHAN: MOTION FOR CONTINUANCE

1 hearing on this motion.
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3 **DATED: September 7, 2007**

4 /s/

5 **SETH P. CHAZIN**

6 **Attorney for Ali H. Khan**
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KHAN: MOTION FOR CONTINUANCE

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6 **IN THE UNITED STATES DISTRICT COURT**
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9 **UNITED STATES OF AMERICA,**

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11 **Plaintiff,**

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15 **ALI H. KAHN**

16 **Defendants.**

)
) **CR03-40210 SBA**
)
)

) **DECLARATION OF SETH P.**
) **CHAZIN**
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19 I, SETH P. CHAZIN, hereby declare as follows:

- 20 1. I am the attorney representing defendant Ali Kahn in the above-entitled matter.
- 21 2. On September 5, 2007, I received a telephone call from the defendant's wife informing
- 22 me that the defendant had just had a heart attack, he was in the hospital and that he
- 23 was scheduled for surgery within the next few days.
- 24 3. On September 6, 2007, I spoke with Mr. Khan's attending physician who informed me
- 25 that the defendant was indeed scheduled for surgery and that he would fax me a letter,
- 26 a copy of which is attached hereto, to describe Mr. Khan's medical condition and his
- 27

28 **KHAN: MOTION FOR CONTINUANCE**

1 unavailability with regard to attending the upcoming jury trial now set to begin on
2 September 24, 2007. As indicated by Dr. Wu in his letter, the defendant needs to
3 avoid any stressful activities and is asked to be excused from any legal duties he may
4 have for a minimum of 6-8 weeks. Based on the foregoing, counsel respectfully
5 submits that there is good cause to grant defendant's motion to continue his jury trial,
6 and requests that the court do so at the hearing scheduled for September 11, 2007.
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9 I declare under penalty of perjury under the laws of the state of California and the
10 United States that the foregoing is true and correct except as to those matters based upon
11 information and belief, and as to those matters, I believe them to be true.
12

13 Executed this 7th day of September, 2007, at Albany, California.
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15 _____/s/

16 _____**SETH P. CHAZIN**
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28 KHAN: MOTION FOR CONTINUANCE

SHORT TITLE: UNITED STATES VS. KAHN

CASE NUMBER: CR-03-40210-SBA

PROOF OF SERVICE

1. I served the attached [x] MOTION TO CONTINUE [] Subpoena Duces Tecum by FAXING a copy of the opposition to notice of related case to the following person:

a. Persons served (name): KIRSTEN AULT (415)436-7234

ERIK BABCOCK (510) 452-8405

b. Address where served:

c. Date of delivery: 09/07/2007

d. Time of delivery:

2. I received this subpoena for service on (date):

3. [] NON-SERVICE RETURN OF SUBPOENA

a. [] After due search, careful inquiry, and diligent attempts at the dwelling house or usual place or abode or usual place of business. I have been unable to make personal delivery of this [] Subpoena [] Subpoena Duces Tecum on the county on the following persons (specify):

b. Reason:

(1) [] Unknown at address:

(4) [] Out-of-county address.

(2) [] Moved, forwarding address unknown.

(5) [] Unable to serve by hearing date.

(3) [] No such address.

(6) [] Other reasons (explanation required):

4. Person serving:

a. [X] Not a registered California process server.

e. [] Exempt from registration under Bus. & Prof. Code section 22350(b).

b. [] California sheriff, marshal, or constable.

c. [] Registered California process server.

f. Name, address, and telephone number and, if applicable, county of registration and number:

d. [] Employee or independent contractor of a registered California process server.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

(For California sheriff, Marshall, or constable use only)
I certify that the foregoing is true and correct:

Date: 09/07/2007

Date:

> /s/
Seth P. Chazin

> _____
(SIGNATURE)



751 South Bascom Avenue
San Jose, CA 95128-2639

MEDICINE INPATIENT

September 6, 2007

To whom it may concern,

Mr Ali Khan (DOB 01/07/1947) has requested that I write this letter to document his current medical issues. Mr Kahn was admitted on September 3, 2007 to Santa Clara Valley Medical Center, after suffering an acute myocardial infarction or in other words a heart attack. He was admitted to the coronary care intensive unit for medical treatment. Cardiologists directly involved in his case have recommended that he undergo 3 vessel coronary artery bypass surgery prior to being discharge from the hospital. At this point his surgery is tentatively scheduled for September 7, 2007. Recovery times from such a surgery can vary significantly. From a medical standpoint the patient should refrain from strenuous or stressful activities for at least 6-8 weeks. After his surgery he will be under the care of his cardiothoracic surgeons. The surgeons & cardiologists will be better able to assess his recovery time post-operatively & at the time of his discharge. For now please excuse Mr Khan from any occupational, social or legal duties he may have. Thanks.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arthur Wu, MD".

Arthur Wu, MD
056655

9/6/07

A handwritten signature in dark ink, appearing to read "Ali Khan".

Patient signature to confirm release
of medical information in this letter

9-6-07